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United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea
Fourth Meeting
2-6 June 2003

Draft format and annotated provisional agenda*

1. Pursuant to General Assembly resolutions 54/33 of 24 November 1999 and 57/141 of 12 December 2002, the two co-chairpersons appointed by the President of the General Assembly shall elaborate, in consultation with delegations, a format for the discussions of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Consultative Process) that best facilitates its work, in accordance with the rules of procedure and practices of the General Assembly.

2. On the basis of consultations with delegations and of an informal preparatory meeting held at United Nations Headquarters on 14 April 2003, the co-chairpersons, Ambassador Felipe H. Paolillo (Uruguay) and Mr. Philip D. Burgess (Australia), propose to the fourth Meeting of the Consultative Process a draft format for discussions (see annex I) and a provisional agenda (see annex II).

3. Descriptions of the areas of focus for two discussion panels are set out in annexes III.A and III.B, respectively, on safety of navigation, for example, capacity-building for the production of nautical charts; and on the protection of vulnerable marine ecosystems. They are intended solely as starting points for the discussions and their purpose is to identify important issues that the discussion panels may choose to consider, particularly by reference to the annual reports of the Secretary-General on oceans and the law of the sea.

4. The Meeting is invited to consider the draft format and the provisional agenda and, as appropriate, to proceed with their adoption.

* Submission of the document was delayed owing to consultations required to finalize it.

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Annex I

Draft format for the fourth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Methods of work

1. The fourth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will work through plenary sessions and two discussion panels.

2. The plenary sessions will be open to participation by all those listed in paragraph 3 (a) of General Assembly resolution 54/33 of 24 November 1999. Discussion panels will also be open to participation by representatives of major groups, as identified in Agenda 21.

3. Within the constraints of the available accommodation, such representatives of major groups and other observers will be free to attend the plenary sessions in accordance with established practice.

Agenda

4. The two co-chairpersons will propose to the fourth Meeting a draft agenda setting out a proposed programme of work for the Meeting and a timetable for plenary sessions and two discussion panels. The fourth Meeting will consider such proposals and adopt its agenda and timetable accordingly.

Discussion panels

5. On the basis of consultations with delegations, the two co-chairpersons will propose areas of focus for each discussion panel for the fourth Meeting, noting that the General Assembly in its resolution 57/141 of 12 December 2002 recommended that the fourth Meeting organize its discussions around: (a) protecting vulnerable ecosystems, and (b) the safety of navigation; for example, capacity-building for the production of nautical charts. The co-chairpersons will invite not more than four persons entitled to participate in each discussion panel to lead off the discussion at each session of the discussion panel by making short presentations on questions relevant to its area of focus.

6. The discussion panels will be open to participation both by those entitled to participate in plenary sessions and by representatives of major groups, as identified in Agenda 21.

Report of the fourth Meeting

7. The report of the fourth Meeting will consist of:

(a) Agreed elements to be suggested to the General Assembly for consideration under its agenda item entitled "Oceans and the law of the sea";

(b) A summary of discussions by the co-chairs of issues and ideas raised during the plenary sessions and discussion panels;

(c) Proposed additions or amendments to "issues that could benefit from attention in future work of the General Assembly on oceans and the law of the sea" contained in part C of the report of the Consultative Process on its third Meeting (see A/57/80).

8. The co-chairpersons will present a draft of the agreed elements to the fourth Meeting, as mentioned in paragraph 7 (a) above, to be suggested for the consideration of the General Assembly. There will be an opportunity during the final plenary session for discussion of the draft agreed elements in order to reach consensus.

9. An advance final version of the co-chairs' summary report, as mentioned in paragraph 7 (b) above, in English only, will be sent to the permanent missions in New York within two weeks of the end of the fourth Meeting for comments of delegations.

10. The co-chairpersons will submit a final version of the report to the President of the General Assembly, incorporating such consensus as is reached on the elements to be suggested to the General Assembly and reflecting the comments made on the other components mentioned in paragraphs 7 (b) and (c). In addition, the advance version of the report will be posted on the web site of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los.

Annex II

Annotated provisional agenda for the fourth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

Monday, 2 June 2003 **10 a.m.-1 p.m.**

First plenary session

Item 1. Opening of the fourth Meeting
Item 2. Approval of the format of the fourth Meeting and adoption of the agenda

1. The present document sets out the proposals of the two co-chairs. The fourth Meeting is invited to consider and, as appropriate, to approve:

(a) The format for the fourth Meeting;

(b) The agenda for the fourth Meeting and the timetable for plenary sessions and discussion panels.

Item 3. Exchange of views on areas of concern and actions needed

2. Delegations are invited to address specifically the following questions:

(a) Where is there a need to improve coordination or cooperation at an intergovernmental or inter-agency level in relation to:

(i) Any of the subjects covered by the reports of the Secretary-General;

(ii) Issues common to more than one of those subjects; or

(iii) Obstacles to the implementation of international instruments in those subjects or to the realization of benefits flowing from such instruments, and

(b) Which specific actions or solutions may be suggested to the General Assembly for consideration in order to help to meet such needs?

3-6 p.m.

Second plenary session

Item 3 (continued)

Tuesday, 3 June 2003 **10 a.m.-1 p.m.**

Discussion Panel A
Safety of navigation; for example, capacity-building for the production of nautical charts

Tuesday, 3 June 2003 **3-6 p.m.**

Discussion Panel A (*continued*)

Wednesday, 4 June 2003

10 a.m.-3 p.m.

Discussion Panel A (*continued*)

3-6 p.m.

Discussion Panel B
Protection of vulnerable marine ecosystems

Thursday, 5 June 2003 **10 a.m.-1 p.m. and 3-6 p.m.**

Discussion panel B (*continued*)

Friday, 6 June 2003 **10 a.m.-1 p.m.**

Third plenary session

Item 4. Exchange of views on cooperation and coordination on ocean issues

3. In paragraphs 63 and 64 of its resolution 57/141 of 12 December 2002, the General Assembly invited the Secretary-General to establish an effective, transparent and regular inter-agency coordination mechanism on oceans and coastal issues within the United Nations system, and recommended that the new mechanism should have a clear mandate and be established on the basis of principles of continuity, regularity and accountability, taking into account paragraph 49 of part A of the report on the work of the Consultative Process at its third Meeting (see A/57/80).

4. National delegations may wish to comment on actions that they believe could assist in ensuring the effectiveness of collaboration and coordination on oceans issues.

5. Pursuant to General Assembly resolution 57/141, there will be an update on developments on IUU fishing and land-based sources of marine pollution since they were discussed at the first meeting of the Consultative Process.

3-6 p.m.

Fourth plenary session

Item 5. Identification of issues for further consideration

6. The Meeting will be invited to suggest further issues that could benefit from attention in future work of the General Assembly. Such suggestions will be added to the list contained in the report of the third Meeting of the Consultative Process (see A/57/80, part C).

Item 6. Elements to be suggested to the General Assembly

7. The Meeting will be invited to agree upon a draft text on elements to be suggested to the General Assembly for its consideration under its agenda item entitled "Oceans and the law of the sea" (see draft format in annex I).

Annex III.A

Discussion Panel A
Safety of Navigation; for example, capacity-building for the production of nautical charts

Chapter IV, Safety of navigation, of the report of the Secretary-General on oceans and the law of the sea (A/58/65, paras. 33-100) provides a background for this discussion panel, as well as other relevant reports on the web site of the Division for Ocean Affairs and the Law of the Sea (www.un.org/Dept/los), including, inter alia:

Chapter IV. Safety of navigation

C. Transport of goods and passengers

2. Recent developments regarding the transport of dangerous goods (*A/58/65, paras. 53-61*)

D. Routing and nautical charts

1. Safe routes for navigation (*A/58/65, paras. 63-67*)

2. Capacity-building for the production of nautical charts (*A/58/65, paras. 68-84*)

E. Implementation and enforcement

1. Flag State implementation and enforcement (*A/58/65, paras. 85-91*)

"Hydrograpic surveys and nautical charting clearly play a crucial role in enabling the identification of dangers to navigation to which States are required by UNCLOS to give appropriate publicity and in providing information necessary to identify measures required to improve and ensure safe navigation. The enhanced safety of navigation provided by adequate nautical charts and information contribute directly to the protection of vulnerable marine ecosystems through a reduction in ship groundings and maritime accidents. Furthermore, the data collected and the services offered by national hydrographic offices have uses beyond ensuring the safety of navigation and are important components in marine pollution, coastal zone management and sensitive ecosystem identification and monitoring."

"The International Hydrograpic Organization (IHO) and the International Maritime Organization (IMO) have emphasized the need for coastal States to discharge their responsibilities with respect to surveying and charting waters under their jurisdiction with a view to improving the safety of navigation and the protection of the marine environment. The General Assembly, in its resolution 53/32 of 24 November 1998, invited States to cooperate in carrying out hydrographic surveys and nautical services for the purpose of ensuring safe navigation as well as to ensure the greatest uniformity in charts and nautical publications and to coordinate their activities so that hydrograpic and nautical information could be made available on a worldwide scale. In its resolutions 56/12 of 28 November 2001 and 57/141 of 12 December 2002, the Assembly invited IHO, in cooperation with other relevant international organizations and interested Member States, to provide the necessary assistance to States, in

particular to developing countries, in order to enhance hydrographic capabilities to ensure, in particular, the safety of navigation and the protection of the marine environment."

"Safety of navigation, especially its enhancement through capacity-building for the production of nautical charts, is a fundamental goal of IHO, which seeks to expand the quality and coverage of navigational charts and services through: (a) coordination among national hydrographic offices; (b) uniformity of nautical charts and documents; (c) the adoption of reliable and efficient methods of carrying out and exploiting hydrographic surveys; and (d) development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography." (*A/58/65, paras. 68, 70 and 73*)

Some specific aspects for discussion and elaboration

- What capacity-building is required for the production, updating and standardization of nautical charts? How can States obtain assistance in producing accurate charts of waters within their jurisdiction? What are some recent examples of assistance to States for the production of such charts?
- What are global and regional organizations doing to enhance the safety of navigation?
- What are some examples of the relationship between the safety of navigation and the protection of vulnerable marine ecosystems, including recent developments regarding the transport of dangerous goods?

Annex III.B

Discussion Panel B
Protection of vulnerable marine ecosystems

Chapter VI, Marine resources, marine environment and sustainable development, particularly paragraphs 171 to 238, of the report of the Secretary-General on oceans and the law of the sea (A/58/65) provides a background for this discussion panel, as well as other relevant reports on the web site of the Division for Ocean Affairs and the Law of the Sea (www.un.org/Dept/los), including, inter alia:

Chapter VI. Marine resources, marine environment and sustainable development

C. Protection of vulnerable marine ecosystems (*A/58/65, paras. 171-238*)

3. Threats to vulnerable marine ecosystems (*paras. 185-196*)

(a) Land-based activities (*paras. 186-190*)

(b) Over-exploitation of fish stocks and destructive fishing practices (*paras. 191-192*)

(c) Sea-based activities (*paras. 193-194*)

(d) Marine scientific research (*para. 195*)

(e) Global climate change (*para. 196*)

5. Management approaches and tools to protect vulnerable marine and coastal ecosystems

(a) Integrated management approaches and land-based activities (*paras. 219-221*)

(b) Protection of vulnerable ecosystems from fishing-induced stress (*paras. 222-223*)

(c) Establishment of marine protected areas (*paras. 224-227*)

(d) Ecosystem approach to fisheries management (*paras. 228-231*)

(e) Protection of coral reefs (*paras. 232-234*)

6. Initiatives at the regional level (*paras. 235-237*)

"In its report entitled 'A Sea of Troubles', GESAMP identified a number of vulnerable areas and systems: coral reefs, wetlands, seagrass beds, coastal lagoons, mangroves, shorelines, watersheds, estuaries, small islands, continental shelves and semi-enclosed seas. Other examples include habitats of endangered species, spawning and nursery areas, feeding grounds, seamounts, hydrothermal vents and polar regions. Since vulnerability is a function of the specific physical as well as ecological characteristics of an area, ecosystems that are not generally considered vulnerable may be considered as such in specific locations ..."

"Many competing uses of coastal zones and ocean areas, such as land-based activities, fishing, mariculture, shipping activities and the exploration and exploitation of minerals, as well as natural phenomena, may directly impact vulnerable marine ecosystems. The nature and intensity of pressures vary from place to place, as does the vulnerability of different ecosystems. Yet it is evident that the nearer one gets to land, the greater the damage to the sea, its life and resources. The crises are deepest where the waters are shallow. It is here that pollution is at its worst, habitats are most readily destroyed and much of fisheries depletion takes place; alteration and destruction of habitats and ecosystems is widespread. Rivers, lakes, estuaries and coastal waters are the hardest hit; and wetlands, mangroves, seagrass beds and coral reefs are particularly vulnerable. According to GESAMP, at least half of the world's mangrove forests were lost over the past century and 70 per cent of coral reefs are threatened. In many places fisheries are affected, as spawning and nursery grounds are degraded. The open oceans suffer some contamination and ecological damage, but compared to the coastal areas they are still in a relatively healthy state." (*A/58/65, paras. 176 and 185*)

Some specific aspects for discussion and elaboration

- What are the key threats to the protection of vulnerable marine ecosystems and what further global and regional coordination and cooperation is needed to reduce these threats?
- Do we have adequate information and knowledge about these ecosystems and the threats to them? What can be done to ensure that there is sufficient and accessible information for all decision makers and users of the marine environment?
- What are the key management approaches and tools to protect vulnerable marine and coastal ecosystems?
- What international cooperation or coordination is required to assist States to ensure the protection of vulnerable marine ecosystems?